REMARKS

In the Office Action, the Examiner noted that claims 1-38 are pending in the application, claims 1-31 are allowed and that claims 32-38 stand rejected. By this response claim 32 is amended to more clearly define the Applicant's invention and not in response to prior art. All other claims are un-amended by this response.

In view of the above amendment and the following discussion, the Applicant respectfully submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Thus, the Applicant believes that all of these claims are now in allowable form.

Objections

A. Drawings

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "210, 220" in FIG. 2, "36, 36a" in FIG. 8A and "20a" in FIG. 9B.

In response, the Applicant has amended the Specification to include a description of the reference signs "210, 220" in FIG. 2, "36, 36a" in FIG. 8A and "20a" in FIG. 9B as required by the Examiner.

Having made these changes, the Applicant respectfully submits that the basis for the Examiner's objection to the Applicant's drawings has been removed. As such, the Applicant respectfully requests that the Examiners objection to the drawings be withdrawn.

B. Amendment to Specification

The Examiner objected to the amendment filed on 12/1/03 under 35 U.S.C. 132 alleging that the amendment introduces new matter into the disclosure of the invention that is not supported by the original disclosure. Specifically, the Examiner alleges that the limitations "the case 10 supports the weight of the electronic and optical components" and "a substantially vertical

surface" and "it is to be understood that a torque...moment-arm of a torque...less than a moment-arm..., and the support structure 30" are not supported by the original disclosure. The Applicant respectfully disagrees.

The Applicant has cancelled the amendment to the Specification made by the amendment of 12/1/03 requesting the replacement of the paragraph at page 4, lines 9-11. However, the Applicant has amended the Specification herein to include the following on page 4, beginning on line 9:

> "As shown in Figure 2, suction cups 60 are preferably used as a supporting means to mount the calibrator 1 to a surface (e.g., a substantially vertical surface). It is to be understood that a torque produced by the weight of the electronic and optic components is substantially supported by the case 10."

In the original disclosure of the invention, the Applicant specifically teaches and claims a monitor calibrator for mounting to a surface of a monitor. The monitor calibrator of the Applicant's invention is configured such that the effects of gravity on the calibrator are reduced. The Applicant specifically teaches and claims a monitor calibrator that overcomes the shortcomings of prior art monitor calibrators that lack stability when attached to the glass surface of a CRT commonly used for computer monitors. More specifically, in explaining the deficiencies of prior art monitor calibrators, the Applicant specifically recites:

> "Prior art is represented by other monitor calibrators that lack stability when attached to the glass surface of a cathode ray tube (CRT) commonly used for computer monitors. The lack of stability is due to the way the device is attached to the monitor, and the cantilever effect that gravity has on the device once mounted." (See Background, page 1, lines 10-13).

To solve the deficiencies of prior art monitor calibrators, the Applicant specifically teaches:

> "One embodiment of the invention is a monitor calibrator for mounting to a surface in order to reduce the effects of gravity on the

> calibrator. The calibrator has a case having a shape with a plurality of case supporting elements extending from the case uniformly distributed around a perimeter of the case." (See Summary, page 2, lines 5-8).

From at least the portions of the Applicant's original disclosure presented above, it is clear that the invention of the Applicant is directed, at least in part, to a monitor calibrator that mounts on a surface of a monitor and is configured such that the monitor calibrator experiences reduced effects of gravity when mounted on the glass. More specifically, the Applicant teaches and claims a monitor calibrator that attaches to and hangs on a monitor.

In the description of at least one embodiment of the Applicant's invention, the Applicant specifically recites:

> "As shown in Figure 2, one embodiment of the housing component of the invention, referred to as the case 10, is designed as a symmetric two piece puck with a top half 12, shown in Figures 9A-C, and a bottom half 14, shown in Figure 2. The two halves resemble hemispheres that join together by fastening means, such as male and female components and a ridge and groove combination. **The two halves are hollow inside to store electronic and optic components of the invention.**" (See Specification, page 4, lines 1-6). (emphasis added).

The Applicant, in at least the portion of the Specification recited above, specifically teaches that, in at least one embodiment of the invention, the case of the calibration monitor stores the electronic and optic components of the invention. As such, because the Applicant specifically teaches that the monitor calibrator mounts on a monitor and that the case of the monitor calibrator stores the electronic and optic components of the invention, at minimum the case is taught to support the weight of the electronic and optical components. As such, the Applicant's amendment to the Specification included herein, in adding the limitation of "the case 10 supports the weight of the electronic and optical components", does not add new matter but explains further an aspect of the invention that was previously taught in the disclosure.

The Applicant further submits that no new matter is added with respect to the limitation "a substantially vertical surface" added by the amendment to the Applicant's Specification included herein. In the disclosure of the invention, the Applicant specifically teaches that the calibrator monitor is, at least in one embodiment, mounted to the surface of a monitor. More specifically, in the Specification the Applicant specifically recites:

> "After the device 1 is completely assembled, the device 1 is able to be mounted on a monitor. Once attached to the monitor or CRT, the case supporting elements 31 compress the suction cups 60 against the surface. This compression pre-loads the case supporting elements 31. The energy caused by this pre-loading technique results in enough force that it minimizes the droop or roll experienced by other designs." (See Specification, page 4, lines 20-24).

The Applicant specifically teaches a monitor calibrator that specifically attaches to a monitor and more specifically to the glass surface of a monitor. As commonly known, the glass surface of a monitor when in use is a surface that is a substantially vertical surface. As such, the Applicant's amendment to the Specification included herein, in adding the limitation of "a substantially vertical surface", does not add new matter but explains further an aspect of the invention that was already taught in the disclosure.

As such and for at least the reasons recited above, the Applicant respectfully submits that no new matter is being added by the Applicant's amendment to the Specification herein. Therefore, the Applicant respectfully submits that there is no basis for the Examiner's objection to the Applicant's Specification and respectfully requests that the Examiner's objection to the Applicant's Specification be withdrawn.

Rejections

A. 35 U.S.C. § 112

The Examiner rejected claims 32-38 under 35 U.S.C. § 112 first paragraph, as failing to comply with the written description requirement. The

Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner alleges that the new limitations in claims 32-38 are not supported by the original disclosure. The rejection is respectfully traversed.

As described above, the Applicant respectfully submits that the amendments to the Applicant's Specification made herein do not add new matter. More specifically, for at least the reasons stated above, the Applicant submits that all of the limitations of claims 32-38 are supported by the original disclosure.

That is, in the Specification, at least the portions of the Specification recited above, the Applicant teaches that the weight of the electronic component of the invention is supported by the case as recited in claim 32. (See Specification, page 4, lines 1-6) and (See Specification, page 4, lines 20-24).

The Applicant also teaches in various portion of the Specification that the case supporting elements are secured to the monitor surface as claimed in claim 33. (See Specification, page 4, lines 20-24).

Furthermore and as described above, the Applicant teaches that the monitor calibrator mounts on the surface of the monitor and it is well known in the art that a monitor surface, at least when in use, is substantially vertical as claimed in claim 34.

With respect to claim 35, as described above the Applicant respectfully submits that there is support in the original disclosure for the limitation of "a torque produced by the weight of the electronic component is opposed by the impingement of the case supporting elements against the monitor" as recited in claim 35. More specifically, the Applicant teaches that the monitor calibrator mounts on a monitor surface using the case supporting elements and also remains steady on a monitor surface and that a case of the monitor calibrator stores electronic components of the invention and as such it is clearly evident, that at minimum, a torque produced by the weight of the electronic component is

opposed by the impingement of the case supporting elements against the monitor.

With respect to claim 36, as described above the Applicant respectfully submits that there is support in the original disclosure for the limitation of "the support structure is symmetrically deformed about a support structure center, by pressure applied to secure the support structure to the monitor surface, for pre-loading the support structure and further opposing the torque due to gravity" as recited in claim 36. More specifically and as described above, the Applicant specifically recites in the original disclosure:

> "After the device 1 is completely assembled, the device 1 is able to be mounted on a monitor. Once attached to the monitor or CRT, the case supporting elements 31 compress the suction cups 60 against the surface. This compression pre-loads the case supporting elements 31. The energy caused by this pre-loading technique results in enough force that it minimizes the droop or roll experienced by other designs." (See Specification, page 4, lines 20-24).

With respect to claim 37, as described above the Applicant respectfully submits that there is support in the original disclosure for the limitation of "a moment-arm of a torque of the case is less than a moment-arm of a torque of the case supporting elements relative to a center of gravity of the case, the electronic component, and the support structure" as recited in claim 37. More specifically, the Applicant teaches that the monitor calibrator mounts on a monitor surface using the case supporting elements and support structure and that a case of the monitor calibrator stores electronic components of the invention. In the Specification the Applicant specifically recites:

> "After the device 1 is completely assembled, the device 1 is able to be mounted on a monitor. Once attached to the monitor or CRT, the case supporting elements 31 compress the suction cups 60 against the surface. This compression pre-loads the case supporting elements 31. The energy caused by this pre-loading technique results in enough force that it minimizes the droop or roll experienced by other designs." (See Specification, page 4, lines 20-24).

From at least the disclosure of the Applicant's invention presented above, it is clear that the assembled device (i.e., the case and electronics, case supporting elements and, for example suction cups) is able to be mounted and secured to a monitor such that enough force is produced that droop and roll experienced by the Applicant's design is minimized. As such it is clear, that at minimum, a moment-arm of a torque of the case is less than a moment-arm of a torque of the case supporting elements relative to a center of gravity of the case, the electronic component, and the support structure as clearly taught by the Applicant in the Specification.

The Applicant teaches in various portion of the Specification "suction cups for securing the case supporting elements to the monitor surface" as claimed in claim 38.

As such, and for at least the reasons recited above, the Applicant respectfully submits that that claims 32-38 are fully supported by and described in the Applicants' specification. Therefore, the Applicant respectfully submits that claims 32-38, as they now stand, fully comply with the written description requirement and hence fully satisfy the requirements of 35 U.S.C. § 112.

Allowed Claims

The Applicant thanks the Examiner for indicating that the Applicant's claims 1-31 are allowable. In addition, the Applicant would like to thank the Examiner for the indication of allowable subject matter, however, the Applicant respectfully submits that at this time all of the Applicant's claims now pending in the Applicant's application are allowable.

Conclusion

Thus the Applicant respectfully submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Consequently, the Applicant believes that all of these claims are now in condition for allowance. Accordingly, both

reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending n the application, it is requested that the Examiner telephone Jorge Tony Villabon, Esq. at (732) 530-9404 x 1131 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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